

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:11-CR-227-1BO

UNITED STATES OF AMERICA)
)
 v.) ORDER
)
 JEFFREY DAVIS)

This matter is before the Court on Defendant Jeffrey Davis' plea of guilty entered on October 25, 2011, to one count of possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1) and § 924. It appears upon review of the record that Mr. Davis' current charge rests on a prior conviction under 18 U.S.C. § 922(g) for which Mr. Davis was sentenced to a term of imprisonment of twenty-seven months by the Eastern District of North Carolina at Greenville. The convictions upon which that charge rested, as they appear in the record currently before the Court, resulted in a sentence of six to eight months in state custody, suspended.

The Court hereby DIRECTS the parties in this matter to file briefs addressing whether Mr. Davis' earlier conviction of possession of a firearm by a convicted felon remains a predicate felony in light of *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc). These briefs should be filed no later than November 30, 2011.

SO ORDERED, this 26 day of October, 2011.

Terrence Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE